



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

3623  
JLW

In re the application of inventor(s):

YANG, Ping.

Serial Number: 09/733,873

Examiner: Van Doren, Beth.

Filed: December 8, 2000

Art Unit: 3623

Confirmation No.: 9511

For: METHOD AND APPARATUS FOR MOBILE PICKUP STATIONS

MAIL STOP NON-FEE AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT  
OFFICE ACTION DATED AUGUST 6, 2004  
ELECTION WITH TRAVERSE**

Dear Sir:

Responsive to the Office Action restriction requirement dated August 6, 2004, Applicant provisionally elects Group I, including Claims 1-8 inclusive, 11, 30-39 inclusive, 42, and 62-70 inclusive drawn to dispatching a mobile pickup station containing an ordered product of a buyer to a selected pickup point along a route of the buyer.

The election is made with traverse inasmuch as it would appear that all of the claims in the Application are directed to a singular inventive concept with respect to a unique, novel means of engaging in commerce in an expeditious and economical manner. It would seem that

the Examiner's restriction requirement is nothing more than an attempt to secure an additional patent application filing for but a single invention.

In *In re Lee*, 199 U.S.P.Q. (BNA) 108, the petitioner argued that the claims which the Examiner was requiring restriction on would not be patentable over the remaining claims. In reversing the Examiner's requirement for restriction, the Commissioner stated:

"... it is important from the standpoint of public interest that no restriction requirements be made which might result in the issuance of two patents to the same invention. The nullification of double patenting as a ground of rejection provided for in the third sentence of 35 U.S.C. 121 imposes a heavy burden on the Office to guard against erroneous requirements for restriction where the claims define essentially the same invention and which if acquiesced in might result in more than one patent for essentially the same invention with attendant prolongation of patent monopoly."

In the instant case, it is submitted that there is but a single inventive concept and that the claims cover that single inventive embodiment. However, as indicated solely to advance the prosecution of the case, if the Examiner is still adamant in suggesting that there are separate inventions, applicants elect Group I, as represented by Claims 1-8 inclusive, 11, 30-39 inclusive, 42, and 62-70 inclusive.

The Examiner is respectfully requested to reconsider the restriction requirements in view of the foregoing.

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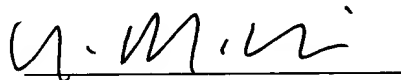
If the Examiner believes that a telephone or other conference would be of value in expediting the prosecution of the present application, enabling an Examiner's amendment or other meaningful discussion of the case, Applicants invite the Examiner to contact Applicants' representative at the number listed below.

With the above-referenced changes, it is believed that the application is in a condition for allowance; and Applicants respectfully request the Examiner to pass the application on to allowance. It is not believed that any additional fees are due; however, in the event any additional fees are due, the Examiner is authorized to charge Applicant's Attorney's Deposit Account No. 03-2030.

Respectfully submitted,

CISLO & THOMAS LLP

Date: August 19, 2004

  
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Enclosures:

Acknowledgement Postcard

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Donald M. Cislo, Reg. No. 22,060

8-19-04

Date

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